

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
RACHEL EMMALOU DAILY,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

ANALISA TORRES, District Judge:

On February 6, 2018, Plaintiff Rachel Emmalou Daily, filed this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of Defendant, the Commissioner of Social Security, finding her ineligible for Supplemental Security Income benefits pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381–1385. ECF No. 2. On March 13, 2018, the Court referred the matter to the Honorable Kevin Nathaniel Fox. ECF No. 6. On August 13, 2018, Defendant moved for judgment on the pleadings. ECF No. 14. On February 14, 2019, Plaintiff cross-moved for judgment on the pleadings. ECF No. 22.

After careful consideration, on August 6, 2019, Judge Fox issued a Report and Recommendation (“R&R”), proposing that Defendant’s motion be denied and Plaintiff’s motion be granted, and the case be remanded to the Commissioner. ECF No. 30. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *See Fed. R. Civ. P. 72(b)(2).* When no objection is made, the Court reviews the R&R for clear error. *Santiago v. Colvin*, 12 Civ. 7052, 2014 WL 1092967, at *1 (S.D.N.Y. Mar. 17, 2014). The Court finds no clear error. The Court, therefore, ADOPTS Judge Fox’s R&R in its entirety. Accordingly, this case is remanded to the Social Security Administration for further proceedings pursuant to 42 U.S.C. § 405(g).

The Clerk of Court is directed to terminate the motions at ECF Nos. 14 and 22, and close the case.

SO ORDERED.

Dated: August 22, 2019
New York, New York

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**ORDER ADOPTING
REPORT AND
RECOMMENDATION**



ANALISA TORRES
United States District Judge